

REMARKS/ARGUMENTS

The claims have been amended better to point out and distinctly claim that which Applicants regard as their invention. More particularly, the claims have been changed to call for a process for the reduction of emission of particulates in a diesel engine by using as the only diesel fuel in the diesel engine the liquid oxygenated product specified in detail in Claim 1. New Claims 3 and 4 have been added based upon the formulations of Examples 1 and 2 respectively. The claims before the Examiner are Claims 1-4.

The rejection of Claims 1 and 2 for non-statutory obviousness-type double patenting over Claims 1-3, 9 and 10 of U.S. Patent 6,534,685, if applied to the claims as amended, is respectfully traversed. As indicated above, the claims have been changed to method-of-use claims specifying that the stated liquid oxygenated product is used as the sole diesel fuel in a diesel engine. The applied claims in the '685 patent call for a liquid mixture comprising "a typical diesel gas oil cut" with stated characteristics and at least one dialkyl polyformal of the formula indicated in patent Claim 1. The reference in no proper fashion teaches or contemplates the use of the liquid oxygenated product of the present claims as the sole fuel in running a diesel engine. The rejection should be withdrawn.

The provisional rejection of Claims 1 and 2 for obviousness-type double patenting over Claims 1-3 of copending application no. 10/373,781, if applied to the claims as amended, is respectfully traversed. Here, as in the previous rejection, the cited claims call for a liquid mixture containing dialkyl-polyformals and "a typical diesel gas oil cut" having certain indicated characteristics. The present claims due to the limitations therein patentably distinguish thereover and the rejection should be withdrawn.

The rejection of the claims under the second paragraph of 35 U.S.C. §112 and 35 U.S.C. §101 for not reciting steps has been addressed by the revision of the claims. The rejections should be withdrawn.

The rejections of Claims 1 and 2 under 35 U.S.C. §102 as anticipated by Moulton '785, Hagen '266, EP '755, Patrini '685 or Patrini '341, if applied to the claims as amended, are respectfully traversed. The bases for all the rejections is that the pending claims were directed to a compound per se. The claims have been amended to recite a method of use, a method not taught or suggested by the references cited. The rejections should be withdrawn.

The Examiner is thanked for listing references provided with an Information Disclosure Statement. The Examiner is asked to acknowledge receipt of the June 9, 2004, filing of a certified copy of the Italian priority document.

In view of the foregoing revisions and remarks, it is respectfully submitted that the application is in immediate condition for allowance. The Examiner is requested to telephone the undersigned should additional changes be required in the case prior to allowance.

Respectfully submitted,

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